

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING ENGINEER'S REPORT,  
CONFIRMING THE ASSESSMENTS, OVERRULING PROTESTS AND DECLARING  
ASSESSMENT BALLOTS RESULTS, AND ANNEXING TWO TERRITORIES TO A  
MAINTENANCE ASSESSMENT DISTRICT AND FORMING ZONE 3 AND ZONE 4

MILLSBRIDGE II ZONE 3  
AND  
ALMOND NORTH ZONE 4  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
(Landscaping and Lighting Act of 1972)

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NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. On March 17, 2004, this Council adopted a Resolution of Intention to annex two territories to a maintenance assessment district, to form two zones and to levy and collect assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's proposed Millsbridge II Zone 3 and Almond North Zone 4 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

2. The Report was made and filed and the Report was considered by this Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.

3. The City Council provided for the giving of notice of the public hearing setting Wednesday May 5, 2004, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, as the time for the public hearing to take testimony and for hearing protests in relation to the proposed assessment, the annexation of two territories to the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, the formation of Zone 3 and Zone 4, the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.

4. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing notices of the time and place for said public hearing and the notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) and the Council hereby finds that the notice of the time and place for said public hearing thereon and notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form, and manner required by law.

5. On May 5, 2004, at the time and place as set forth in Resolution 2004-49 the City Council held the public hearing and duly heard all interested parties desiring to be heard.

6. In accordance with Resolution No. 2004-49 and Article XIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said two territories to be annexed and at the close of the public hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots for each zone submitted and not withdrawn and found that the assessment ballots in each zone submitted, and not withdrawn, in opposition to the proposed assessment in each zone did not exceed assessment ballots in each zone submitted and not withdrawn in favor, weighing those assessment ballots in each zone by the amount of the proposed assessment in each zone to be imposed upon the identified parcels for which each assessment ballot in each zone was submitted and the Council so found.

7. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the annexation of territory to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 or the formation of Zone 3 or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

8. The City Council further finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the annexation of territory to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 or the formation of Zone 4 or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

9. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the two ballot measures have been submitted to the voters of land within the two territories to be annexed and after the tabulation of the assessment ballots for each zone submitted and not withdrawn, that no majority protest against the assessment in either zone existed because the assessment ballots in each zone submitted in opposition to the assessment in each zone did not exceed the ballots submitted in favor of the assessment in said zone. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.

10. The City Council hereby approves the Engineer's Report and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the two territories to be annexed, Zone 3 and Zone 4, and the Assessments for each Zone.

11. The City Council hereby confirms the Assessment, Assessment Roll, and the Diagrams as now on file with it, and declares the Engineer's Report and said Diagrams, Assessment, and Assessment Roll as contained therein are hereby adopted and confirmed.

12. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, this Council expressly finds and determines that as to Zone 3 and Zone 4:

(a) each of the several subdivisions of land in the territories to be annexed will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and

(b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

13. The City Council determines and orders the territories described in the Engineer's Report be annexed to Lodi Consolidated Landscape Maintenance Assessment District, that Zone 3 and Zone 4 be formed and shall be known as Millsbridge II Zone 3 and Almond North Zone 4, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

14. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established and is hereby ordered and confirmed as follows:

A. Zone 3 in the amount of \$323.00 per dueF per year

B. Zone 4 in the amount of \$401.00 per dueF per year

15. The City Council finds, determines, and orders that the maximum annual assessment set forth in **Paragraph 14** of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or 2) the percentage increase of the local Consumer Price Index (CPI). The CPI applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.

16. The City Council finds, determines, and orders that for the 2004-05 fiscal year there is hereby levied on each parcel in Zone 3 an actual assessment amount of \$224.00 per dwelling unit equivalent Factor (dueF) and on each parcel in Zone 4 an actual assessment amount of \$304.00 dueF as detailed in the Engineer's Report and Assessment Roll contained therein.

17. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/ Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.

18. This resolution shall take effect immediately upon its passage.

Dated: May 5, 2004

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I hereby certify that Resolution No. 2004-89 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 5, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard,  
Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk